



ORIGINAL

FILED

10/07/2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 15-0573

IN THE SUPREME COURT OF THE STATE OF MONTANA

Case No. DA 15-0573

FILED

GREGORY A. JACKSON

Petitioner and Appellant

CATHERYN J. ("KIT") JACKSON,

Respondent and Appellee.

OCT 24 2016

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Appellant's Summary of the
Argument

Appellant Gregory Jackson brings this Appeal from an order of the District Court in a complex marital business division of property, first heard by a Special Master.

Appellant "Greg" contends that in dividing the marital property, the Special Master correctly valued the marital properties, but erred in dividing the marital estate with 63% going to "Kit" who was the younger party with the most earning power and ability to acquire future assets and only 37% of the assets to Greg, who was retired with health issues. In addition, the Special Master had awarded a portion of the value of one of the businesses (HOM), but then failed to include the value anywhere in the final distribution.

Greg further contends that upon review, the District Court improperly reduced the values assigned to the marital businesses including one that had been stipulated to at trial (HFU), and substantially reduced the value of the other marital business (HOM) by reversing the decision of the Special Master's as to choice of expert opinion, as well as altering numerous other findings and conclusions, without offering clear and convincing reasons to do so.

Further, Greg argues that the District Court improperly reversed the award of \$150,000 per year of income to Greg from marital businesses often earning \$500,000 or more, and without any clear and convincing reason, reduced the award to \$40,000 per year for five years, leaving Greg with just his retirement income of \$49,000 per year.

Greg argues that the parties had always treated the marital businesses as equal ownerships, and that when the District also reversed the Special Master on percentage awards of the valuations, refused to acknowledge the agreement of the parties that the business ownerships were in equal shares.

Ancillary to the District Court's revisions was its new observation that the parties had been able to preserve Greg's retirement income all during the marriage and not dissipate it. Greg argued that, in that case, his award of cash and investment accounts was far less than any such accumulation of the income, he was therefore awarded no portion of the marital cash and investment accounts, and that in fact under the District Court's new finding, it had awarded Kit a substantial

portion of the accrued value of Greg's retirement income during the marriage.

Dated this 21 day of October, 2016.

SOL & WOLFE Law Firm

Attorneys for Appellant

By: _____


Michael Sol

CERTIFICATE OF MAILING

A true copy of the foregoing will be placed in the US Mail to Mr. David Cotner, Datsopoulos, MacDonald & Lind, PC, 201 W Main St #201, Missoula, MT 59802 on the 21st day of October, 2016.



SOL & WOLFE Law Firm, PLLP